

17707 U.S. PTO
111703

Practitioner's Docket No. 9241.03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: Nov. 17, 2003

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

22389 U.S. PTO
10/716247



111703

REISSUE APPLICATION TRANSMITTAL

Transmitted herewith is the application for reissue of U.S.

☒ Utility Patent ☐ Plant Patent ☐ Design Patent
No. 6,370,715 issued on Apr. 16, 2002

Inventor(s): Farah D. Morton

Title: Portable Infant Bed

Enclosed are the following:

1. Specification, claim(s) and drawing(s) (37 C.F.R. § 1.173)

- (a) ☒ 3 page(s) of specification
☒ 1 page(s) of claims
☒ 1 page(s) of abstract

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703)

Gable A. Alfano
Signature

Date: Nov. 17, 2003

Gable A. Alfano

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: This must include the entire specification and claims of the patent, with the matter to be omitted by reissue enclosed in square brackets. Any additions made by the reissue must be underlined, so that the old and new specifications and claims may be readily compared. Claims should not be renumbered. The numbering of claims added by reissue should follow the number of the highest numbered patent claim. No new matter shall be introduced into the specification. (37 C.F.R. § 1.173).

(b) ☒ 7 sheet(s) of drawing (drawings amended)

☐ Formal

☒ Informal

NOTE: "Amendments which can be made in a reissue drawing, that is, changes from the drawing of the patent, are restricted." 37 C.F.R. § 1.174(b).

☒ No changes in the drawings, upon which the original patent was issued, are to be made. Therefore, in accordance with 37 C.F.R. § 1.174(a), please find attached, in the size required for original drawings:

☒ a copy of the printed drawings of the patent.

☒ a photoprint of the original drawings.

☐ A letter requesting transfer of the drawings from the original patent file to this reissue application is attached.

2. Declaration and power of attorney

☒ 3 pages of declaration and power of attorney

3. Preliminary amendment

(check, if applicable)

☒ Attached (15 pages)

☒ The claims are amended and there is attached a separate statement as to the status of the claims and an explanation of the support in the specification for the changes in accordance with 37 C.F.R. § 1.173(c). (5 pages)

4. Offer to surrender the original letters patent in accordance with 37 C.F.R. § 1.178 is attached.

☐ Offer to surrender is by the inventor

☐ along with assent of assignee.

☐ Offer to surrender is by the assignee of the entire interest (and the reissue application does not seek to enlarge the claims of the original patent).

5. Letters patent

☐ Original letters patent are attached.

☐ Declaration that original letters patent lost or inaccessible is attached.

☒ A copy of the original printed patent is attached.

NOTE: "The application may be accepted for examination in the absence of the original patent or the declaration but one or the other must be supplied before the case is allowed." 37 C.F.R. § 1.178.

NOTE: "Where the original patent grant is not submitted with the reissue application as filed, patentee should include a copy of the printed original patent. Presence of a copy of the original patent is useful for the calculation of the reissue filing fee and for the verification of other identifying data." M.P.E.P., § 1416, 7th ed.

NOTE: "If a reissue be refused, the original patent will be returned to applicant upon his request." 37 C.F.R. § 1.178.

6. Petition to proceed without assignee's assent

- ☐ Attached hereto is a "PETITION TO PROCEED WITH REISSUE APPLICATION WITHOUT ASSIGNEE'S ASSENT".

A. ☐ The fee payment is authorized in the attached:

- ☐ "REISSUE APPLICATION TRANSMITTAL" Form
☐ "COMPLETION OF FILING REQUIREMENTS — REISSUE APPLICATION" Form.

B. ☐ Payment is authorized below.

7. Information Disclosure Statement - 182 pages

- ☒ Attached
☒ Copies of the IDS citation(s) is/are attached.

8. Priority—35 U.S.C. § 119

- ☐ Priority of application Application No. _____ / _____, filed on _____, in _____ (Country) is claimed under 35 U.S.C. § 119.
☐ The certified copy has been filed in prior application Application No. _____ / _____ filed on _____.

9. Basic Filing Fee Calculation (37 C.F.R. § 1.16(h), (i) and (j))

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee (37 C.F.R. 1.16(h))
			\$750.00 770.00
Total Claims (37 C.F.R. § 1.16(j))	32	— 20 (and also in excess of total claims in patent) 12 X \$18.00	\$216.00
Independent Claims 37 C.F.R. § 1.16(i)	10	— (number of inde- pendent claims in patent) 7 X \$80.00 86.00	\$602.00
Filing fee Calculation			\$1,588.00

NOTE: Multiple dependent claims are treated as ordinary claims for fee purposes. 37 C.F.R. § 1.16(j).

10. Small Entity Status (if applicable)

NOTE: A new assertion of small entity status is required for the reissue, even if one has been filed in the original patent. 37 C.F.R. § 1.27(c)(4).

WARNING : "Small entity status must not be established when the person or persons signing the . . . statement can **unequivocally** make the required self-certification." M.P.E.P. § 509.03 (emphasis added).

- ☐ An assertion that this filing is by a small entity is attached.
- ☒ Assertion of small entity status is being made by paying the small entity basic filing fee.

Filing Fee Calculation (50% of above) \$ 794.00

NOTE: If a statement is filed within 2 months of the date of timely payment of a fee, then the excess fee paid will be refunded on request. 37 C.F.R. § 1.28(a). Effective April 1, 1984.

11. Additional Fee Payments

- ☐ Payment is being made for "PETITION TO PROCEED WITH REISSUE APPLICATION WITHOUT ASSIGNEE" (37 C.F.R. § 1.17(h)) \$130.00

12. Total Fees Due

Filing Fee	\$ <u>794.00</u>
Petition fee	\$ <u>-0-</u>
Total Fees Due	\$ <u>794.00</u>

13. Method of Payment of Fees

- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 794.00
- ☐ Authorization is hereby made to charge the amount of \$ _____
- ☐ to Deposit Account No. _____
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should **not** be included on this form as it may become public.

- ☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

14. Authorization To Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

☒ The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).

☒ 37 C.F.R. § 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Section 1.311(b) provides that an authorization to charge the issue fee (§ 1.18) to a deposit account may be filed in an individual application **only after the mailing of the notice of allowance**. Accordingly, general authorizations to pay fees and specific authorizations to pay the issue fee that are filed prior to the mailing of a notice of allowance will generally not be treated as requesting payment of the issue fee and will not be given effect to act as a reply to the notice of allowance. Applicant, when paying the issue fee, should submit a new authorization to charge fees, such as by completing box 6b on the current PTOL-85B form. Where no reply to the notice of allowance is received, the application will stand abandoned notwithstanding the presence of general authorizations to pay fees or a specific authorization to pay the issue fee that were submitted prior to mailing of the notice of allowance. Where an attempt is made to pay the issue fee but an incorrect amount is submitted, § 1.311(b)(1), or where the Office's issue fee transmittal form (currently PTOL-85(B)) is completed by applicant and submitted, § 1.311(b)(2), in reply to a notice of allowance, an exception will be made. Such submissions will operate as a request to charge the issue fee to any deposit account identified in a previously filed (i.e., submitted prior to the mailing of the notice of allowance) authorization to charge fees, and will be allowed to act as payment of the correct issue fee, § 1.311(b). See also the change to § 1.26(b). Notice of September 8, 2000, Fed. Reg. 54603–54683, at 54646 and 54647.

NOTE: See 37 C.F.R. § 1.28.

15. ☒ Additional Enclosures

Copy of Complaint, Case No. CIV.S-03-2339 MCE DAD (6 pages)

Return post card (1 page).

Status of Claims and Support for claim changes (5 pages)

Reissue Application Fee Transmittal Form PTO/SB/56 (1 page)
(duplicate copy of PTO/SB/56 also enclosed)

Reg. No.: 32277

Tel. No.: (559) 435-5500

Customer No.: 25265



25265

PATENT TRADEMARK OFFICE


SIGNATURE OF PRACTITIONER

Mark D. Miller

(type or print name of practitioner)

5260 N. Palm Ave., Ste. 221
Fresno, CA 93704

P.O. Address

(Reissue Application Transmittal [17-1]—page 6 of 6)

Pra t i t i n r ' s D k e t N . 9241.03

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Morton, Farah D.

Reissue Application No.: 0 / Group No.:

Filed: Nov. 17, 2003 Examiner:

For:

Commissioner for Patents**P.O. Box 1450, Alexandria, VA 22313-1450****STATUS OF CLAIMS AND SUPPORT FOR CLAIM CHANGES****(37 C.F.R. § 1.173(c))**

NOTE: In accordance with 37 C.F.R. § 1.173(c): "Whenever there is an amendment to the claims pursuant to paragraph (b) of this section, there must also be supplied, on pages separate from the pages containing the changes, the status (i.e., pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes made to the claims."

1. The status of the claims as a result of the amendment submitted herewith is:

Claims cancelled: none
Claims amended: 2, 9
Claims added: 16-32

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(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)**37 C.F.R. § 1.10 ***

- ☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Addressee"

Mailing Label No. EL981459187US (mandatory)**TRANSMISSION**

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: Nov. 17, 2003

Signature

Gable A. Alfano

(type or print name of person certifying)

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2. The support in the disclosure of the patent for the changes made to the claims and for the claims added is as follows:

Original claims 1, 3-8 and 10-15 remain unchanged.

Claims 2 and 9 have been amended, see attached exhibit A for details.

New claims 17-32 have been added, see attached exhibit A for details.

☒ Plus 3 additional pages

Date: Nov. 17, 2003

Reg. No.: 32277

Customer No.: 25265



SIGNATURE OF PRACTITIONER

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(type or print name of practitioner)
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25265

PATENT TRADEMARK OFFICE

(Status of Claims and Support for Claim Changes (37 C.F.R. § 1.173(c)) [17-1.2]—page 2 of 2)